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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,197	03/28/2001	Scott Brooks Heintzman	1340.004US1	3832

21186 7590 06/22/2007  
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
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MINNEAPOLIS, MN 55402

EXAMINER

POPE, DARYL C

ART UNIT	PAPER NUMBER
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2612

MAIL DATE	DELIVERY MODE
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06/22/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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**Office Action Summary**

Application No.

09/820,197

Applicant(s)

HEINTZMAN ET AL.

Examiner

DARYL C. POPE

Art Unit

2612

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 12-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 13-24, 32 and 38 is/are rejected.
- 7) ☒ Claim(s) 25-31, 33-37 and 39 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### **ART REJECTION:**

#### ***Claim Rejections - 35 USC § 102***

2. Claims 1-4,8,12,17-20,32, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Kikinis(5,838,252).

-- In considering claim 1, the claimed subject matter that is met by Kikinis includes:

1) the receiving by wireless communication device a set of data including one or more data elements is met by the a user receiving data elements from stock and news server(130) via mobile device(135)(see: column 4, lines 7 et seq);

2) the comparing a data element from the data elements to a threshold value and generating an alert when the data element crosses the threshold value is met by the detected events being compared to stored alarm events and alarm notifications generated(see: column 4, lines 28 et seq).

-- With regards to claim 2, the subscribing to the set of data is met by the user subscribing to receive specified notifications(see: column 4, lines 17-27).

-- With regards to claim 3, the subscribing to an application maintaining the set of data is met by the user subscribing to access to the databases(see: column 4, lines 17-27).

-- With regards to claim 4, the setting the threshold value is met by the user setting parameters of the databases(see: column 4, lines 17-27).

-- With regards to claims 8, the generating an alert comprising, respectively, providing an email is met(see: column 2, lines 30-34).

-- With regards to claims 32 and 38, the alert including cash flow data and revenue falling below a predetermined or user defined threshold is met by the stock alerts data.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-7,13-16,21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis.

-- With regards to claims 5-7, and 13, although use of graphical indication of the alert, providing an audible tone, and initiating a vibration device is not specifically taught by Kikinis, Kikinis does use a portable paging device(135) for the purpose of indicating alerts to a user. The examiner takes Official Notice that in the pager art, use of these above stated indication devices/techniques is well known, and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the above stated devices/techniques into the device(135) of Kikinis, since they would have aided indication of alerts to a user of the sensor since they would have constituted higher perceptible forms of indications.

As well, the examiner takes Official Notice that in the wireless communication art, use of AvantGo communication software is well known in the art, and therefore it would

have been obvious to one of ordinary skill in the art at the time the invention was made, since use of this communication software would have facilitated the reception and indication of various forms of subscribed data by users of the paging device(135).

***Allowable Subject Matter***

5. Claims 25-31,33-37, and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**REMARKS:**

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-8, and 12-39 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C. POPE whose telephone number is 571-272-2959. The examiner can normally be reached on M-TH 9:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DANIEL WU can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

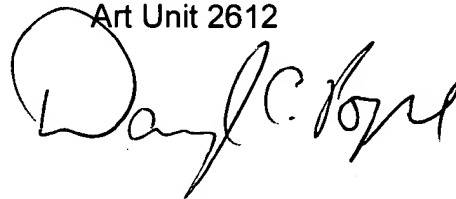
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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daryl C. Pope

May 28, 2007

DARYL C POPE  
Primary Examiner  
Art Unit 2612

A handwritten signature in black ink, appearing to read "Daryl C. Pope", is written over the printed name and title.